



1714

(Practitioner's Docket No. IN-5531)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

ALLARD et al.

Serial No.: 10/009,394

Filed: 01/11/2002

For: HIGHLY SCRATCH-RESISTANT
MULTI-LAYER PAINT COATING, METHOD
FOR PRODUCING THE SAME AND THE
USE THEREOF

Group Art Unit: 1714

Examiner: S. AHMED

I hereby certify that the attached correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. BOX 1450, Alexandria, Virginia 22313-1450., on:

9/16/03

Date

Marjorie Ellis

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

DISCUSSION OF CITED ART

The applications listed below are copending with each other. The art cited to date is believed to be all of the art that was discussed in the background of each application, cited in a search report for a corresponding application for each application, and/or cited in an office action for each application.

Serial No.	Filing Date	Inventors	Docket No.	Examiner Assigned
09/926,532	11-16-01	Meisenburg et al.	IN-5538	Susan Berman
09/940,748	08-28-01	Bradford et al.	IN-5475	Susan Berman
09/941,118	08-28-01	Bradford et al.	IN-5518	Susan Berman
09/941,283	08/28/01	Bradford et al.	IN-5520	Susan Berman
09/941,295	08-28-01	Bradford et al.	IN-5519	Unassigned
10/009,394	11-01-02	Allard et al.	IN-5531	Unassigned
10/018,106	10-30-01	Allard et al.	IN-5528	Unassigned
10/454,056	06-04-03	Balch et al.	IN-5674	Unassigned
10/470,863	07-31-03	Baumgart et al.	IN-5704	Unassigned

Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

Michael F. Morgan, Esq. (Reg. No. 42,906)
(248) 948-2355

BASF Corporation
26701 Telegraph Road
Southfield, MI 48034-2442

Date: 16 September 2003



(Practitioner's Docket No. IN-5531)

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For: HIGHLY SCRATCH-RESISTANT MULTI-LAYER PAINT COATING, METHOD FOR PRODUCING THE SAME AND THE USE THEREOF

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the attached correspondence comprising:

<input checked="" type="checkbox"/>	Information Disclosure Statement
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is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

- ☒ Submitted herewith is Form PTO-1449 (Modified) listing patents, publications, or other information for consideration by the Office.

COPIES PROVIDED:

- ☒ Legible copies of all items listed on Form PTO-1449 accompany this information statement, except as indicated below:
- ☐ Legible copies of all items listed on Form PTO-1449 accompany this information statement, except Copies of U.S. patents, patent applications, and publications as indicated below:
- ☐ Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [____], filed on [____]. The following references were submitted to and/or cited by the Office on this prior application and are therefore not required to be provided in this application:
- ☐ In accordance with 37 C.F.R. §1.98(c), a copy of only [____] is being submitted with this Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO-1449:

- ☐ Application Serial No. [] was published as Publication No. []. The Bibliographic information for this publication is correct, but the abstract, specification, and claims are not those of []. Therefore, the bibliographic page for Publication No. [] is provided with a copy of the specification as filed for [].

FOREIGN LANGUAGE DOCUMENTS

- ☐ There are no foreign language documents listed on Form PTO-1449.
- ☒ The following non-English language references were cited in the specification. The English language equivalents for these references are being submitted in substitution for the non-English references.

Cited Art	English Equivalent
DE19518392.4	6,159,556
DE19613547	5,965,213
DE19814471.7	6,344,501
DE3407087	4,746,366
DE4122743	5,580,614
DE4222194	5,601,878
DE4303570	6,534,187
EP540884	CA2079498

- ☒ English language abstract for the following non-English references are enclosed.

DE3828098
DE4011045
DE4020316
DE4025215
JP06-286008
EP0872502

- ☒ Submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material:

Cited Art	English Equivalent
DE10113884.9	10/470,863
WO02/074872	
DE19920801	10/009,394
DE19924674	09/926,532
DE19930067	10/018,703
DE19930664	10/018,352
DE19930665	10/018,351
EP0 940459	09/263,426
EP568967	5,425,970
EP596460	CA2073115
WO9222615	5,691,419
WO9422969	5,716,678

- ☐ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

Information Disclosure Statement
Page 3

- ☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:
- ☐ Submitted herewith is an English language version of a search report listing information not in the English language and indicating the degree of relevancy found by the European Patent Office, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.
- ☐ A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:
- ☐ A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification:

CERTIFICATION:

- ☒ The Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.
- ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:
- ☐ Each statement of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**
- ☐ That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge as the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **OR**
- ☐ Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under 37 C.F.R. §1.97(c). Please charge the **\$180.00** IDS submission fee to BASF Corporation **Deposit Account No. 23-3425**. A duplicate of this paper is enclosed.
- ☐ The Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:
- ☐ Each statement of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**

Information Disclosure Statement
Page 4

- ☐ That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge as the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **AND**
- ☐ Applicant hereby petitions for consideration of this Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). Please charge the petition fee of **\$130.00** to BASF Corporation **Deposit Account No. 23-3425**. A duplicate of this paper is enclosed.

The Commissioner is authorized to charge BASF Corporation Deposit Account No. 23-3425 for any additional fees due hereunder.

Reg. No.: **42,906**



SIGNATURE OF ATTORNEY and DATE

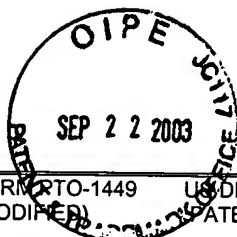
Michael F. Morgan September 15, 2003
Type or print name of attorney

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FORM PTO-1449 (MODIFIED) U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Atty. Docket No. IN-5531

LIST OF ART CITED BY APPLICANT
(Use sever of sheets if necessary)

In re Application of: ALLARD et al.

Serial No.: 10/009,394

Filed: 01/11/2002

U.S. PATENT DOCUMENTS

Examiner initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2003/0083397	5/1/03	Bradford et al.	522	173	8/28/01
	2003/0078316	4/24/03	Bradford et al.	522	126	8/28/01
	2003/0078315	4/24/03	Bradford et al.	522	126	8/28/01
	2003/0077394	4/24/03	Bradford et al.	427	407.1	4/28/01
	2003/0023017	1/30/03	Rink er al.	526	301	1/24/01
	4,013,806	3/22/77	Volkert et al.	427	54	12/4/73
	4,025,407	5/24/77	Chang et al.	204	159.14	11/4/74
	4,128,600	12/5/78	Skinner et al.	260	859	1/14/77
	4,139,385	2/13/79	Crivello	96	35.1	1/14/77
	4,192,762	3/11/80	Osborn et al.	252	182	4/20/78
	4,212,901	7/15/80	van Neerbos et al.	427	53.1	7/10/78
	4,247,578	1/27/81	Skinner et al.	427	44	9/25/78
	4,268,542	5/19/81	Sakakibara et al.	427	195	1/25/79
	4,287,116	9/1/81	Burns	260	37	7/14/80
	4,342,793	8/3/82	Skinner et al.	427	44	9/29/80
	4,377,457	3/22/83	Boeckeler et al.	204	159.16	11/21/80
	4,415,604	11/15/83	Nativi	427	54.1	11/12/82
	4,424,252	1/3/84	Nativi	428	209	1/3/84
	4,481,093	11/6/84	Murphy et al.	204	159.19	9/30/83
	4,526,939	7/2/85	Lewarchik et all.	525	438	7/18/83
	4,532,021	7/30/85	Murphy et al.	204	159	5/7/84
	4,607,084	8/19/86	Morris,	525	454	12/16/85
	4,618,632	10/21/86	Su	522	43	2/7/85
	4,634,602	1/6/87	Sirkoch et al.	427	44	1/2/86
	4,675,234	6/23/87	Sachs et al.	428	328	5/17/85
	4,746,366	5/24/88	Philipp et al.	106	287.19	3/17/86
	4,761,435	8/2/88	Murphy et al.	522	46	10/3/86
	4,786,657	11/22/88	Hammer et al.	522	90	7/2/87
	4,952,612	8/28/90	Brown-Wensley et al.	522	25	8/28/87
	4,985,340	1/15/91	Palazzotto et al.	430	270	6/1/88
	5,013,631	5/7/91	Su	430	271	3/3/89
	5,089,376	2/18/92	Setthachayanon	430	284	6/13/89
	5,153,101	10/6/92	Meire et al.	430	281	6/13/90
	5,234,970	8/10/93	Kyle	522	96	12/20/91

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*Applicant has modified this form by deleting the word "prior".

SEP 22 2003

FORM PTO-1449 US DEPARTMENT OF COMMERCE
(MODIFIED) PATENT AND TRADEMARK OFFICE

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U.S. PATENT DOCUMENTS

Examiner initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,326,621	7/5/94	Palazzotto et al.	428	195	8/19/92
	5,356,669	10/18/94	Rehfuss et al.	427	407.1	10/23/92
	5,409,740	4/25/95	Brann	427	513	12/18/92
	5,425,970	6/20/95	Lahrman et al.	427	493	5/6/93
	5,453,451	9/26/95	Sokol	522	42	3/29/93
	5,462,797	10/31/95	Williams et al.	428	345	2/8/94
	5,474,811	12/12/95	Rehfuss et al.	427	407.1	5/11/94
	5,580,614	12/3/96	Amberg-Schwab et al.	427	493	9/7/95
	5,601,878	2/11/97	Kranig et al.	427	386	6/23/93
	5,605,965	2/25/97	Rehfuss et al.	525	100	11/3/94
	5,610,224	3/11/97	DePue et al.	524	538	7/29/96
	5,626,958	5/6/97	D'Herbecourt et al.	428	327	2/1/94
	5,691,419	11/25/97	Engelke et al.	525	208	5/19/92
	5,716,678	2/10/98	Röckrath et al.	427	407.1	3/26/94
	5,922,473	7/13/99	Muthiah et al.	428	481	12/26/96
	5,965,213	10/12/99	Sacharski et al.	427	475	4/4/96
	6,017,640	1/25/00	Muthiah et al.	428	514	4/23/99
	6,159,556	12/12/00	Möller et al.	427	475	2/6/98
	6,177,535	1/23/01	Schwalm et al.	528	49	9/21/98
	6,242,101	6/5/01	Schealm et al.	428	425.8	4/1/99
	6,265,476	7/24/01	Krongauz et al.	524	262	10/4/99
	6,332,291	12/25/01	Flosbach et al.	52	91	4/22/99
	6,333,077	12/25/01	Maag et al.	427	496	3/6/98
	6,335,397	1/1/02	Kokel et al.	524	507	4/2/98
	6,344,501	2/5/02	Sierakowski et al.	523	410	3/31/99
	6,476,121	11/5/02	Kadambande et al.	524	560	10/22/99
	6,482,869	11/19/02	Bolte et al.	522	35	12/1/98
	6,534,187	3/18/03	Kron et al.	428	447	4/27/01

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Serial No.: 10/009,394
Filed: 01/11/2002**FOREIGN PATENT DOCUMENTS**

Examiner initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATED	
							YES	NO
		CA2 073 115.	92.07.03	CA	C08L	075/14	X	
		CA2 079 498.	92.09.30	CA	B05D	003/06	X	
		DE 38 28 098.	08.03.90	DE	C08G	77/58		X
		DE 40 11 045.	10.10.91	DE	B05D	7/02		X
		DE 40 20 316.	09.01.92	DE	C09D	183/04		X
		DE 40 25 215.	13.02.92	DE	C08G	59/50		X
		DE199 20 801.	16.11.00	DE	B05D	7/24		X
		DE199 20 799.	16.11.00	DE	C09D	175/00		X
		DE199 24 674.	28.06.01	DE	C09D	5/00		X
		DE198 26 715.	28.01.99	DE	C07C	69/54	X	
		DE199 30 067.	11.01.01	DE	C09D	133/04		X
		DE199 30 664.	11.01.01	DE	C09D	125/02		X
		DE199 30 665.	11.01.01	DE	C09D	125/02		X
		EP 0 401 892.	25.05.90	EP	C09D	167/06	X	
		EP 0 568 967.	04.05.93	EP	B05D	3/00		X
		EP 0 594 068.	15/10.93	EP	C09D	201/02	X	
		EP 0 594 071.	15.10.93	EP	C09D	201/02	X	
		EP 0 594 142.	20.10.93	EP	C08L	57/12	X	
		EP 0 596 460.	03.11.93	EP	C09D	201/00		X
		EP 0 753 358.	04.07.96	EP	B05D	1/00	X	
		EP 0 844 286.	23.12.97	EP	C09D	5/03	X	
		EP 0 940 459.	24.02.99	EP	C09D	201/00		X
		WO 94/10211.	11.05.94	WO	C08F	8/30	X	
		WO 94/10212.	11.05.94	WO	C08F	8/30	X	
		WO 94/10213.	11.05.94	WO	C08F	8/30	X	
		WO 02/10292.	7.2.02	WO	C09D	4/06	X	
		WO 02/074872.	26.09.02	WO	C09D	175/04		X
		WO 98/20047.	14.05.98	WO	C08F	2/06	X	
		WO 92/22615.	23.12.92	WO	C09D	151/08		X
		WO 94/22969.	13.10.94	WO	C09D	133/06		X
		GB 1 583 412.	12.08.77	GB	C08F	226/02	X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	English Abstract for DE3828098 from EPO, 1990-03-04.
	English Abstract for DE4011045 from EPO, 1991-10-09.
	English Abstract for DE4020316 from EPO, 1992-01-09.
	English Abstract for DE4025215 from EPO, 1992-02-19.
	English Abstract for JP06-286008 from EPO, 1994-10-11.
	Fritz BARTOL et al., USSN 09/263,426 filed March 5, 1999.
2	English Translation for DE 198 26 715.
	USSN 10/470,863, filed 07/31/03, Baumgart et al.
	USSN 10/018,351, filed 12/07/01, Berner.
	USSN 10/018,352, filed 12/07/01, Berner.
	USSN 10/018,703, filed 12/13/01, Berner.
	USSN 09/926,532, filed 11/16/01, Meisenburg et al.
	Aaron LOCKHART, Bayer Polymers, Pittsburgh, PA, dated June 9-11, 2003.
	USSN 10/018,106 filed 10/30/01, Allard et al.

EXAMINER

DATE CONSIDERED

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